

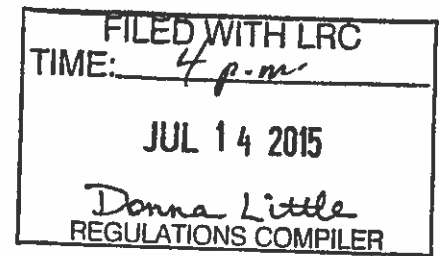
## **301 KAR 1:015**

### **Boat and motor restrictions**

This administrative regulation limits the size of boats and motors on small lakes.

### **Significant Changes**

This amendment will require the use of trolling motors only on all lakes that are part of the Boone Tract of Kentucky River Wildlife Management Area in Henry County.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 1:015. Boat and motor restrictions.

5 RELATES TO: KRS 150.090, 150.625, 150.990, 235.010(4), 235.990

6 STATUTORY AUTHORITY: KRS 150.620, 235.280

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the department to  
8 promulgate administrative regulations governing lands and waters the department has acquired.

9 KRS 235.280 authorizes the department to promulgate administrative regulations to govern the  
10 fair, reasonable, equitable, and safe use of all waters of this state. This administrative regulation  
11 limits the size of boats and motors on small lakes for safety reasons and to minimize interference  
12 with other users.

13 Section 1. Definition. "Idle speed" means the slowest possible speed at which maneuverability  
14 can be maintained.

15 Section 2. (1) On a lake established in subsection 2 of this section, A person shall not operate [on  
16 ~~a lake listed in subsection (2) of this section,~~] a:

17 (a) House boat;

18 (b) Monohull boat with a center line length exceeding twenty-two (22) feet; or

19 (c) Pontoon boat with a float or decking exceeding twenty-two (22) feet, except for:

20 1. Guist Creek Lake, where a pontoon boat with a float or decking up to twenty-four (24) feet  
21 may be operated; or

1 2. On [~~In~~] a lake established in clauses a. through c. of this subparagraph, where a pontoon boat  
2 with a float or decking up to thirty (30) feet may be operated:

3 a. Cedar Creek Lake;

4 b. Lake Beshear; or

5 c. Lake Malone.

6 (2) List of lakes:

7 (a) Arrowhead Slough, Ballard County;

8 (b) Beaver Creek Lake, Anderson County;

9 (c) Beaver Dam Slough, Ballard County;

10 (d) Bert Combs Lake, Clay County;

11 (e) Big Turner Lake, Ballard County;

12 (f) Boltz Lake, Grant County;

13 (g) Briggs Lake, Logan County;

14 (h) Bullock Pen Lake, Grant County;

15 (i) Burnt Pond, Ballard County;

16 (j) Burnt Slough, Ballard County;

17 (k) Butler Lake, Ballard County;

18 (l) Carnico Lake, Nicholas County;

19 (m) Carpenter Lake, Daviess County;

20 (n) Carter Caves Lake, Carter County;

21 (o) Cedar Creek Lake, Lincoln County;

22 (p) Corinth Lake, Grant County;

23 (q) Cross Slough, Ballard County;

- 1 (r) Cypress Slough, Ballard County;
- 2 (s) Deep Slough, Ballard County;
- 3 (t) Dennie Gooch Lake, Pulaski County;
- 4 (u) Elmer Davis Lake, Owen County;
- 5 (v) Fishpond Lake, Letcher County;
- 6 (w) Goose Lake, Muhlenberg County;
- 7 (x) Greenbo Lake, Greenup County;
- 8 (y) Guist Creek Lake, Shelby County;
- 9 (z) Happy Hollow Lake, Ballard County;
- 10 (aa) Island Lake, Ohio County;
- 11 (bb) Kentucky River WMA, Boone Tract Lakes, Henry County;
- 12 (cc) Kincaid Lake, Pendleton County;
- 13 (dd) [~~(ee)~~] Kingdom Come Lake, Harlan County;
- 14 (ee) [~~(dd)~~] Kingfisher Lakes, Daviess County;
- 15 (ff) [~~(ee)~~] Lake Beshear, Caldwell County;
- 16 (gg) [~~(ff)~~] Lake Chumley, Lincoln County;
- 17 (hh) [~~(gg)~~] Lake Malone, Muhlenberg County;
- 18 (ii) [~~(hh)~~] Lake Mauzy, Union County;
- 19 (jj) [~~(ii)~~] Lake Reba, Madison County;
- 20 (kk) [~~(jj)~~] Lake Washburn, Ohio County;
- 21 (ll) [~~(kk)~~] Lebanon City Lake, Marion County;
- 22 (mm) [~~(ll)~~] Lincoln Homestead Lake, Washington County;
- 23 (nn) [~~(mm)~~] Little Green Sea, Ballard County;

- 1    (oo) [~~(nn)~~] Little Turner Lake, Ballard County;
- 2    (pp) [~~(ee)~~] Long Pond, Ballard County;
- 3    (qq) [~~(pp)~~] Marion County Lake, Marion County;
- 4    (rr) [~~(qq)~~] Martin County Lake, Martin County;
- 5    (ss) [~~(rr)~~] McNeely Lake, Jefferson County;
- 6    (tt) [~~(ss)~~] Metcalfe County Lake, Metcalfe County;
- 7    (uu) [~~(tt)~~] Mill Creek Lake, Wolfe County;
- 8    (vv) [~~(uu)~~] Mitchell Lake, Ballard County;
- 9    (ww) [~~(vv)~~] Pan Bowl Lake, Breathitt County;
- 10   (xx) [~~(ww)~~] Pikeville City Lake, Pike County;
- 11   (yy) [~~(xx)~~] Sandy Slough, Ballard County;
- 12   (zz) [~~(yy)~~] Shanty Hollow Lake, Warren County;
- 13   (aaa) [~~(zz)~~] Shelby Lake, Ballard County;
- 14   (bbb) [~~(aaa)~~] South Lake, Ohio County;
- 15   (ccc) [~~(bbb)~~] Spurlington Lake, Taylor County;
- 16   (ddd) [~~(ccc)~~] Swan Lake, Ballard County;
- 17   (eee) [~~(ddd)~~] Twin Pockets Slough, Ballard County; or
- 18   (fff) [~~(eee)~~] Wilgreen Lake, Madison County.
- 19   (3) Length restrictions in this section shall not apply to a canoe.
- 20   (4) A person shall not operate a ["personal watercraft on Cedar Creek Lake pursuant to["as
- 21   ~~defined in~~] KRS 235.010(4) [~~on Cedar Creek Lake~~].
- 22   Section 3. (1) A person shall not operate a boat:
- 23   (a) Motor without an underwater exhaust; or

1 (b) Faster than idle speed while passing a boat with an occupant actively engaged in fishing,  
2 except in a designated skiing zone.

3 (2) The requirements established in subsection (1) of this section shall apply on:

- 4 (a) Beaver Lake, Anderson County;
- 5 (b) Boltz Lake, Grant County;
- 6 (c) Bullock Pen Lake, Grant County;
- 7 (d) Carnico Lake, Nicholas County;
- 8 (e) Cedar Creek Lake, Lincoln County;
- 9 (f) Corinth Lake, Grant County;
- 10 (g) Elmer Davis Lake, Owen County;
- 11 (h) Greenbo Lake, Owen County;
- 12 (i) Guist Creek Lake, Shelby County;
- 13 (j) Kincaid Lake, Pendleton County;
- 14 (k) Lake Beshear, Caldwell County;
- 15 (l) Lake Malone, Muhlenburg County;
- 16 (m) Pan Bowl Lake, Breathitt County;
- 17 (n) Shanty Hollow Lake, Warren County;
- 18 (o) Swan Lake, Ballard County; and
- 19 (p) Wilgreen Lake, Madison County.

20 Section 4. A person shall not operate an electric or an internal combustion boat motor on:

- 21 (1) Dennie Gooch Lake, Pulaski County;
- 22 (2) Kingdom Come Lake, Harlan County; or
- 23 (3) Lake Chumley, Lincoln County.

1 Section 5. A person shall not operate an internal combustion boat motor and shall only be  
2 allowed to use an electric trolling motor on:

3 (1) Arrowhead Slough, Ballard County;

4 (2) Beaver Dam Slough, Ballard County;

5 (3) Bert Combs Lake, Clay County;

6 (4) Big Turner Lake, Ballard County;

7 (5) Briggs Lake, Logan County;

8 (6) Burnt Pond, Ballard County;

9 (7) Burnt Slough, Ballard County;

10 (8) Butler, Ballard County;

11 (9) Carpenter Lake, Daviess County;

12 (10) Carter Caves Lake, Carter County;

13 (11) Cross Slough, Ballard County;

14 (12) Cypress Slough, Ballard County;

15 (13) Deep Slough, Ballard County;

16 (14) Fishpond Lake, Letcher County;

17 (15) Happy Hollow Lake, Ballard County;

18 (16) Kentucky River WMA, Boone Tract Lakes, Henry County;

19 (17) Kingfisher Lake, Daviess County;

20 (18) [(17)] Lake Mauzy, Union County;

21 (19) [(18)] Lake Reba, Madison County;

22 (20) [(19)] Lake Washburn, Ohio County;

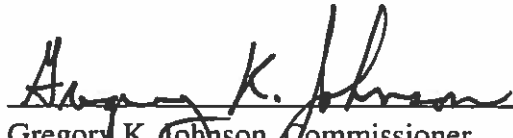
23 (21) [(20)] Lebanon City Lake, Marion County;

- 1    (22) [~~(21)~~] Lincoln Homestead Lake, Washington County;
- 2    (23) [~~(22)~~] Little Green Sea, Ballard County;
- 3    (24) [~~(23)~~] Little Turner Lake, Ballard County;
- 4    (25) [~~(24)~~] Long Pond, Ballard County;
- 5    (26) [~~(25)~~] Marion County Lake, Marion County;
- 6    (27) [~~(26)~~] Martin County Lake, Martin County;
- 7    (28) [~~(27)~~] McNeely Lake, Jefferson County;
- 8    (29) [~~(28)~~] Metcalfe County Lake, Metcalfe County;
- 9    (30) [~~(29)~~] Mill Creek Lake, Wolfe County;
- 10   (31) [~~(30)~~] Mitchell Lake, Ballard County;
- 11   (32) [~~(31)~~] Pikeville City Lake, Pike County;
- 12   (33) [~~(32)~~] Sandy Slough, Ballard County;
- 13   (34) [~~(33)~~] Shelby Lake, Ballard County;
- 14   (35) [~~(34)~~] Spurlington Lake, Taylor County; or
- 15   (36) [~~(35)~~] Twin Pockets Slough, Ballard County.
- 16   Section 6. A person shall not operate a motorboat faster than idle speed on:
- 17   (1) Carnico Lake, Nicholas County;
- 18   (2) Goose Lake, Muhlenberg County;
- 19   (3) Greenbo Lake, Greenup County;
- 20   (4) Island Lake, Ohio County;
- 21   (5) South Lake, Ohio County;
- 22   (6) Pan Bowl Lake, Breathitt County; or
- 23   (7) Wilgreen Lake, Madison County.



- 1   Section 7. A person operating a boat motor greater than ten (10) horsepower shall not exceed idle  
2   speed on:
- 3   (1) Beaver Lake, Anderson County;
- 4   (2) Boltz Lake, Grant County;
- 5   (3) Bullock Pen Lake, Grant County;
- 6   (4) Corinth Lake, Grant County;
- 7   (5) Elmer Davis Lake, Owen County;
- 8   (6) Herb Smith-~~[A]~~Cranks Creek Lake, Harlan County;
- 9   (7) Kincaid Lake, Pendleton County;
- 10   (8) Martins Fork Lake, Harlan County;
- 11   (9) Shanty Hollow Lake, Warren County; or
- 12   (10) Swan Lake, Ballard County.

Approved by the Fish and Wildlife Commission

A handwritten signature in black ink, appearing to read "Gregory K. Johnson", written over a horizontal line.

Gregory K. Johnson, Commissioner  
Department of Fish and Wildlife Resources

A handwritten signature in black ink, appearing to read "Robert H. Stewart", written over a horizontal line.

Robert H. Stewart, Secretary  
Tourism, Arts and Heritage Cabinet

A handwritten date "7/10/15" in black ink, written over a horizontal line.

Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 24, 2015, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by August 31, 2015.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack  
Department of Fish and Wildlife Resources  
Arnold L. Mitchell Building  
#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
(502) 564-3400 FAX (502) 564-9136  
Email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

## **REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

301 KAR 1:015. Boat and motor restrictions.

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation limits the size of boats and motors on small lakes.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide reasonable protection and safety for individuals boating on these small lakes and to minimize interference with other users.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters it has acquired. KRS 235.280 authorizes the Department to promulgate administrative regulations to govern the fair, reasonable, equitable and safe use of all waters of the state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation helps fulfill the purpose of KRS 150.620 and 235.280 by providing fair, reasonable, equitable, and safe use of small lakes in the state.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will require the use of trolling motors only on all lakes that are part of the Boone Tract of Kentucky River WMA in Henry County.

(b) The necessity of the amendment to this administrative regulation: KDFWR recently obtained several lakes on this WMA tract and based on their small size, it is necessary for the department to limit boat speed and noise for the benefit and safety of anglers using the lakes.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who fish the lakes on the Boone Tract of Kentucky River WMA will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: People fishing the Boone Tract Lakes of Kentucky River WMA will only be able to operate a boat by the use of a trolling motor.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to individuals as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

All individuals fishing the Boone Tract lakes of Kentucky River WMA will benefit from increased safety and less disturbance on the lakes.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost initially to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees will be directly or indirectly increased.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied because all individuals will be treated the same.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 1:015  
Contact Person: Rose Mack  
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Fisheries and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters it has acquired. KRS 235.280 authorizes the Department to promulgate administrative regulations to govern the fair, reasonable, equitable and safe use of all waters of the state.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue will not be generated by this administrative regulation for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Revenue will not be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: